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PACAFFARSUP

BY ORDER OF THE COMMANDER, PACIFIC AIR FORCES

PACAF FAR SUPPLEMENT

PACIFIC AIR FORCES COMMAND

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Contracting

PACIFIC AIR FORCES FEDERAL ACQUISITION REGULATION (FAR) SUPPLEMENT

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This publication does not apply to the Air National Guard (ANG) or United States Air Force Reserve (USAFR).

SUMMARY OF REVISIONS

Listed below are the Parts at which appear Pacific Air Forces acquisition regulations implementing or supplementing the basic coverage of the 1997 edition of the Federal Acquisition Regulation (FAR), the 1998 edition of the Department of Defense FAR Supplement (DFARS), and the 1996 edition of the Air Force FAR Supplement (AFFARS). New or revised material is indicated by an asterisk (*). This revision incorporates administrative changes/revisions.

***PACAF FAR Supplement, 12 March 1999, is supplemented as follows:**

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PART 1 - FEDERAL ACQUISITION REGULATIONS SYSTEM

SUBPART 5301.1 - PURPOSE, AUTHORITY, ISSUANCE

*5301.101 Purpose. The PACAF Federal Acquisition Regulation Supplement (PAFFARS or PACAF FAR Supplement) establishes uniform policies and procedures for Pacific Air Forces implementing and supplementing the Federal Acquisition Regulation (FAR), the Department of Defense FAR supplement (DFARS), the Air Force FAR supplement (AFFARS), and other DOD and AF publications concerning contracting.

SUBPART 5301.2 - ADMINISTRATION

5301.201 Maintenance of the FAR.

5301.201-1 Recommendations for changes to the FAR, DFARS, AFFARS, or PAFFARS shall be processed through HQ PACAF/LGCR, 25 E Street, Suite I-326, Hickam AFB HI, 96853-5427.

5301.201-90 Changes to the PAFFARS will be issued as required on a change-page basis. Added or revised material will be indicated by an "*" in the left margin.

SUBPART 5301.4 - DEVIATIONS FROM THE FAR

5301.402 Policy

(3) Submit requests for deviation from the FAR, DFARS, AFFARS, PAFFARS, or other directive, to HQ PACAF/LGCR.

5301.405 Deviations Pertaining to Treaties and Executive Agreements. The commanders of PACAF contracting squadrons are authorized to approve deviations from FAR clauses to ensure compliance with Status of Forces or Military Base Agreements affecting particular acquisitions. A copy of the FAR clause deviation approval will be provided to HQ PACAF/LGCR with all supporting documentation, including legal coordination.

SUBPART 5301.6 - CAREER DEVELOPMENT, CONTRACTING AUTHORITY, AND RESPONSIBILITIES

5301.601 General.

5301.601-92 Delegation of General Contracting Authority.

*(c)(3)(i) The Commander, Pacific Air Forces has delegated to the Chief, Contracting Division, Directorate of Logistics, Headquarters Pacific Air Forces, authority to enter into, execute, and approve contracts (including change orders, supplemental agreements, and other amendments to contracts) letter contracts, and other contractual actions, including terminations and settlements. Contracting authority is redelegated to commanders of PACAF contracting squadrons as set forth in this supplement and subject to review and clearance procedures at PAFFARS 5301.90.

* (c)(3)(ii) When purchase requests and contracts are expressed/awarded in local (foreign) currency, the rate of exchange to be used for determining applicable FAR prescribed dollar thresholds and authorities will be the current Foreign Currency Fluctuation Defense (FCFD) budget rate (Japan).

* (c)(3)(iii) Prior approval must be obtained from HQ PACAF/LGC before accepting any request for contracting action which exceeds \$100,000 from organizations which are not considered part of the base's responsibility or which are not included in a specific contract which authorizes such inclusion. Examples which would require approval are other Air Force, Army, Navy or Marine bases or DOD tenant units which do not fall under the local base umbrella.

* 5301.601-94 Legal Review. Solicitations which are expected to result in a contract award of more than \$100,000 shall be submitted for legal review prior to their issuance. Legal review shall be obtained for all contracts, bilateral contract modifications, and change orders in excess of \$100,000 prior to award. Legal review and coordination shall be obtained for acquisition plans in accordance with PAFFARS 5307.105. In addition, legal review shall be obtained as directed by the FAR, as supplemented. Legal review and coordination shall be obtained regardless of dollar amount when dealing with mistakes in bids, issuance of cure and show cause notices, determinations of nonresponsiveness and nonresponsibility, terminations, protests against award, claims, disputes, novations, taxes, utility contract negotiations, questions of law regarding consideration, ratifications and other actions as warranted. Legal assistance should be obtained regardless of dollar value when preparing source selection documents and placing orders with one of multiple awardees of IDIQ contracts. Legal review is not required prior to clearance when requesting: (1) authority to issue a request for final proposal revisions, or (2) approval of negotiation objectives for noncompetitive acquisitions. Legal review is not required for delivery orders, task orders, calls against blanket delivery/task orders, and blanket purchase agreements regardless of dollar amount.

5301.602-3(b)(3)(ii) Procedures for Ratification of Unauthorized Commitments.

(a) Authority to ratify unauthorized commitments of personnel supported by a PACAF Contracting squadron is redelegated as follows:

(1) For amounts of \$25,000 or less to commanders of PACAF contracting squadrons, without power of redelegation.

(2) For amounts greater than \$25,000 but less than \$100,000 to commanders of the 3W, 8W, 15ABW, 18W, 35FW, 36ABW, 51FW, 354FW, 374AW and 611ASG without power of redelegation.

(3) For amounts in excess of \$100,000 to HQ PACAF/CV through HQ PACAF/LGC, without power of redelegation.

(b) An unauthorized commitment may be ratified when the limitations set forth in FAR 1.602-3(c) are met. Those involved in the processing of unauthorized commitments for ratification will assure that the limitations set forth in FAR 1.602-3(c) apply to each case.

(1) For unauthorized commitments of \$25,000 or less, the commander of the PACAF contracting squadron may authorize use of PACAF Form 20, Ratification Action Summary.

*(2) For unauthorized commitments in excess of \$25,000 or when PACAF Form 20 is not used, the responsible reviewing official will prepare a case file that is tabbed and as a minimum contains the following:

(i) Statement of the individual whose action resulted in an unauthorized commitment, confirming the purchase with a description of the item, quantity and amount, name of the firm furnishing the supplies or services, dates of the order and receipt, and an explanation of the circumstances surrounding the purchase and reasons why the purchase was not referred to the contracting office. The statement will be signed by the individual indicating rank and duty title.

(ii) Statement of the functional area chief/commander/director verifying the receipt of the supplies or services, how and when the purchased items were used, recommendation as to whether or not disciplinary action should be exercised, and corrective actions taken to prevent recurrence.

(iii) Original invoice, claim, or request for payment from the supplier, copies of correspondence relevant to the unauthorized commitment, and the suppliers full description of the circumstances which led to furnishing of the supplies or services.

(iv) Contracting officer's analysis on the fairness and reasonableness of the purchase price(s).

(v) A funded purchase request to permit formalization of the ratification for payment.

*(vi) Statement of the reviewer recommending ratification and payment of the unauthorized commitment. If the review indicates otherwise and ratification is not recommended, include a statement or recommendation for processing as a GAO claim or as a case under Public Law 85-804.

(vii) Staff Judge Advocate (SJA) review of the reviewer's statement and the case file. The review will indicate concurrence or non-concurrence. If non-concurrence is indicated, request the SJA state reasons therefore and recommendation for processing as a GAO claim or PL 85-804 case.

(3) Reviewing Official. The reviewing official mentioned in (b)(2) above may be the contracting officer designated by the commander of the contracting squadron. As an alternative, the commander of the contracting squadron may request the responsible commander set forth in (a)(2) above to appoint a disinterested commissioned officer to perform the review.

(4) Distribution.

Unauthorized commitments in excess of \$100,000 - Two sets of the file will be forwarded to HQ PACAF/LGCP for further processing with a transmittal letter signed by the responsible commander including a statement on recommendation for ratification, whether or not disciplinary action was taken and reasons therefore, and actions taken to preclude recurrence.

(c) Ratification. When the abbreviated procedure set forth in (b)(1) is not used, a letter will be used for the ratification addressed to the office which transmitted the case file and recommended ratification to the ratifying authority. Wording substantially as follows will be used for the ratification action:

"Pursuant to the authority vested in me by PAFFARS 5301.602-3(a), I hereby ratify the unauthorized commitment by {name of the activity responsible} for the purchase of {description of the item and include quantity or performance period as appropriate} from {name of the firm} in the amount of \$____."

(d) Unauthorized commitments of Air Force personnel based in Korea will be processed by the U.S. Army Contracting Command Korea (USACCK) in accordance with procedures prescribed in the applicable USACCK standard operating procedure (SOP).

(e) Unauthorized commitments of Army personnel based in Japan (including Okinawa) will be processed by the cognizant PACAF contracting squadron in accordance with procedures set forth herein.

(f) Formalization of ratification actions.

(1) Formalization of ratification actions for payment purposes will be accomplished by the contracting squadron responsible for providing contracting support to the activity.

(2) Prior to release of the contractual instrument, the supplier will be required to furnish written confirmation of the following:

(i) Payment has not been received for the items furnished under contract.

(ii) No pending contractual arrangement other than the contract provides for the above payment.

(iii) Upon receipt of payment, all further liability of the U.S. Government relating to the items furnished under the unauthorized commitment will be waived.

5301.603 Selection, Appointment, and Termination of Appointment.

*5301.603-90 Selection. PACAF Contracting squadron commanders are authorized to select, appoint, and terminate contracting officers. The monetary limitation of appointment may not exceed the contract review threshold indicated in PAFFARS 5301.9090-1, or \$1,000,000, whichever is lower. In determining the value of the contract for purposes of warrant limitation, refer to AFFARS 5301.9005-2; except for recurring contracts containing options where the value is that of the basic contract or highest valued option year, not the sum of the basic plus all options. The Chief, Contracting Division, HQ PACAF, will, as a general rule, appoint only PACAF contracting squadron commanders and Directors of Contract Operations as contracting officers with no monetary limitation upon application pursuant to the PAFFARS 5301.603-3(c). Where specialized contracting flights are established, or in other unique circumstances, the PACAF contracting squadron commander may request the HQ PACAF Chief, Contracting Division to appoint contracting officers with larger monetary limitations. Such requests will be closely reviewed and granted only where a clear need is shown and on a case-by-case basis. Local national employees may be selectively appointed as contracting officers.

5301.603-3 Appointment.

(c) Request for appointment will be made on PACAF Form 222, Application for Appointment as Contracting Officer.

(90)(a) Language substantially the same as one of the following statements shall be placed on the face of the SF 1402:

"Those limitations contained in DFARS, AFFARS, and PAFFARS and further limited to the execution of all contractual actions not exceeding the Simplified Acquisition Threshold."

or,

"Those limitations contained in DFARS, AFFARS, or PAFFARS and further limited to the execution of all contractual actions (excluding unilateral delivery orders and unilateral option exercise modifications) not in excess of \$_____. Authority to issue delivery orders and exercise unilateral option modifications is limited to individual contract terms."

or,

"The limitations contained in the DFARS, AFFARS, and PAFFARS and further limited to the execution of actions not exceeding the Simplified Acquisition Threshold for the duration of a directed deployment."

(b) Warrants may be further limited at the discretion of the appointing official.

(91) The appointees grade and SSAN will not be placed on the SF 1402.

(92) Appointment certificates will be numbered using the activity address number followed by a dash, then by a serial number beginning with "1" and continuing indefinitely; i.e., "F64605-1."

(f) All file documentation on warrants issued by a PACAF CONS commander shall be maintained at the CONS for review as needed.

5301.603-4 Termination of Appointment. The contracting squadron commander shall promptly notify HQ PACAF/LGCE, in writing, of all known upcoming personnel actions that would necessitate the termination of a contracting officer appointment issued by the HQ PACAF Chief, Contracting Division.

5301.690 Contracting Authority of other Personnel.

(8) Ordering Officer. The PACAF contracting squadron commander is authorized to appoint an ordering officer when:

(a) The appointee is not an Air Force employee (civilian or military).

(b) The appointment is required to discharge responsibilities and duties due to the consolidation of Army/Air Force contracting in Japan (including Okinawa) and Korea. Ordering officer appointments shall be made by letter.

SUBPART 5301.90 - CLEARANCE PROCESS

5301.9000 Scope and applicability.

(b) PACAF clearance requirements are as provided in PAFFARS 5301.9090 below.

5301.9090 PACAF Clearance Process.

5301.9090-1 Review Thresholds.

*(a) Solicitations expected to result in contracts exceeding the thresholds set forth below shall be subject to review by the HQ PACAF Contract Processes Branch (HQ PACAF/LGCR) per PAFFARS 5301.9090-2(a). Commercial item procurements that use combined solicitation/synopsis and simplified acquisition procedures using FAR Part 12 with FAR Part 13 are not subject to preaward review but shall be submitted for post award review. All other proposed contract actions listed at AFFARS 5301.9005-1 expected to exceed the thresholds set forth below shall be subject to the clearance procedures set forth at PAFFARS 5301.9090-2(b). In determining value for purposes of review thresholds, refer to AFFARS 5301.9005-2; except for recurring contracts containing options where the value is that of the basic contract or highest valued option year, not the sum of the basic plus all options.

*(b) Review thresholds are as follows:

374 CONS	Yokota AB	\$2,000,000
18 CONS	Kadena AB	\$1,000,000
15 CONS	Hickam AFB	\$1,000,000
3 CONS	Elmendorf AFB	\$1,000,000
354 CONS	Eielson AFB	\$1,000,000
35 CONS	Misawa AB	\$500,000
36 CONS	Andersen AFB	\$500,000

(c) For contracts priced in local currency, refer to PAFFARS 5301.601-92(c)(3)(ii).

5301.9090-2 Clearance Review and Approval Requirements.

(a) Solicitation Review. All IFBs/RFPs exceeding the thresholds established in PAFFARS 5301.9090-1 will be submitted electronically to HQ PACAF/LGCR for review and approval not later than two days after issuance together with supporting file documentation properly tabbed and indexed as shown on PACAF Form 54, Contract File Index. When time permits, the solicitation shall be submitted before issuance so feedback can be incorporated without amending the solicitation. Drawings, if any, shall be submitted for solicitations for services. Drawings need not be submitted with solicitations for construction unless they are in electronic format or unless specifically requested by HQ PACAF/LGCR.

(b) Clearance Review. Clearance will not be required for any proposed award resulting from an IFB. Clearance reviews will be required for all negotiated acquisitions exceeding the thresholds established in PAFFARS 5301.9090-1. Clearance will be accomplished as follows for those negotiated acquisitions exceeding designated thresholds:

*(1) All competitive negotiated acquisitions using source selection policies and procedures, except those identified in AFFARS 5315.300(b), will be submitted to HQ PACAF/LGCR for review and approval.

(2) For competitive negotiated acquisitions using the Lowest Price Technically Acceptable (LPTA) and Performance Price Tradeoff (PPT) techniques, clearance will be accomplished by the local PACAF contracting squadron review committee and approved by the PACAF contracting squadron commander unless HQ PACAF clearance review is specifically required at the time of solicitation review.

(3) Noncompetitive acquisitions. Noncompetitive acquisitions, (e.g. 8(a), sole source, contract modifications, etc.) will be submitted to HQ PACAF/LGCR for review and approval.

(c) The following chart summarizes the PACAF clearance process for proposed acquisitions exceeding the threshold set forth in PAFFARS 5301.9090-1:

ACTION	SOLICITATIONS		CLEARANCE	
	REVIEW	APPROVAL	REVIEW	APPROVAL
IFB	PACAF/LGCR	PACAF/LGCR	N/A	N/A
RFP – Source Selection	PACAF/LGCR	PACAF/LGCR	PACAF/LGCR	PACAF/LGC
RFP-LPTA and PPT	PACAF/LGCR	PACAF/LGCR	Local Review Committee	Squadron Commander
RFP-Noncompetitive	PACAF/LGCR	PACAF/LGCR	PACAF/LGCR	PACAF/LGC

(d) Local review procedures consistent with the Air Force policy set forth in AFFARS 5301.9001 and PACAF procedures described above, shall be established by the PACAF contracting squadron commander for all IFBs/RFPs and resulting awards not subject to HQ PACAF clearance procedures.

(e) Notwithstanding the thresholds and criteria set forth above, solicitation review, clearance by HQ PACAF/LGC may be required in selected cases.

*(f) If offers for a competitive contract action which was estimated to be below the review threshold are received and the award will exceed the threshold, submit a copy of the awarded contract file for post award review. If the negotiation objective for a noncompetitive contract action which was estimated to be below the

review threshold exceeds the threshold, submit the file for clearance review and approval prior to beginning negotiations.

5301.9090-3 Documentation Required.

(a) Requests for solicitation review, and clearance required by PAFFARS 5301.90 shall use the format at Attachment 5301-1. Contract file documentation shall be tabbed and indexed as shown on PACAF Form 54.

*(b) Within PACAF, a Preliminary Price Negotiation Memoranda (PPNM) shall be prepared for noncompetitive acquisitions prior to beginning negotiations and for competitive negotiated acquisitions when requesting approval to issue a request for FPR. For competitive negotiated acquisitions the PPNM shall clearly identify all discussions with all offerors in the competitive range. For competitive negotiated acquisitions requesting approval to award without discussion, a Narration of Contracting Action (NCA) shall be prepared in accordance with PAFFARS 5315.406-90(a), in lieu of a final PNM.

5301.9090-4 Responses to Solicitation and Clearance Reviews.

*(a) Electronically forward to HQ PACAF/LGCR a written reply signed by the PACAF contracting squadron commander, together with the modifying contractual instrument and necessary supporting documentation, within twenty calendar days after receipt of the solicitation/clearance review comments. Responses should be in sufficient detail to clearly reflect the corrective action taken on each review comment. If there is a disagreement with any review comment, issues must be resolved to the satisfaction of HQ PACAF/LGC prior to continuation of the acquisition. No reply to "suggested" comments is required. The phrases "noted" or "will be considered in future solicitations/contracts" are not considered acceptable responses.

(b) In cases where a particular review comment may be unclear to the recipient, a telephone request for clarification should be made before the written response is finalized.

5301.9090-6 Post Award Review.

(a) A sampling of contracts will be selected for post-award review by HQ PACAF/LGC. The number of contracts selected for post award review will depend upon what is deemed necessary for ensuring optimum command oversight.

Attachment 5301-1Format for Request for RFP Review/Request for Clearance
For Official Use OnlyNegotiation Sensitive Or
Source Selection Sensitive Information -- See FAR 3.104

Request For: (Solicitation Review or Clearance)

To: HQ PACAF/LGCR

Subject: (Description of contract action)

1. I hereby request:

- ☐ Solicitation review
- ☐ Approval to award without discussions
- ☐ Approval to request final proposal revisions
- ☐ Approval to begin negotiations

2. Documentation required by 5301.9006 for solicitation review or 5301.9007 for request for clearance is provided.

3. Points of Contact:

Contracting Officer: _____	Phone: _____
Negotiator: _____	Phone: _____
Price Analyst: _____	Phone: _____

Signature of Contracting Squadron Commander/Date

Name:

Office Symbol:

Phone:

PART 2 - DEFINITIONS OF WORDS AND TERMS

SUBPART 5302.1 - DEFINITIONS

5302.101 Definitions.

“Chief of the Contracting Office” means commanders of PACAF contracting squadrons.

PART 3 - IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST**SUBPART 5303.1 - SAFEGUARDS**

5303.104-5 Disclosure, protection, and marking of proprietary and source selection information.

(a) HQ PACAF/LGC is delegated authority to authorize access to proprietary or source selection information.

5303.104-6 Restrictions on employment or business opportunity discussions between competing contractors and procurement officials.

(f) PACAF/LGC is delegated the authority to approve recusal requests for procurement officials in programs under their cognizance.

5303.104-8 Knowing violations, duty to inquire, and ethics advisory opinions.

(d)(1)(i) HQ PACAF/LGC is designated to answer questions regarding whether information is proprietary or source selection sensitive when a CO has not been appointed.

*5303.104-10 Processing violations or possible violations. HQ PACAF/CV is the HCA's designee for all aspects of this subpart requiring action by "HCA or designee". All such actions will be processed through HQ PACAF/LGC.

*(a)(1) PACAF/LGC is the individual designated to review suspected violations and to advise the contracting officer.

SUBPART 5303.6 - CONTRACTS WITH GOVERNMENT EMPLOYEES OR ORGANIZATIONS OWNED OR CONTROLLED BY THEM

*5303.602 Exceptions. In accordance with HQ PACAF/CC letter, 9 June 2000, squadron commanders are granted approval to contract with individuals or organizations owned/controlled by government employees when there is a compelling reason to do so. This approval is granted for contracts where services are performed in support of base activities limited to the chapel program, sporting events, and exercise classes. Squadron commanders should review each contract action on a case by case basis to ensure no viable alternatives exist and that every effort is made to avoid any conflict of interest between the employees' interests and their government duties. The intent of FAR 3.601 must still be followed in all cases. Forward all requests not covered by this exception to HQ PACAF/LGC using the format below. HQ PACAF/LGC will review and forward to HQ PACAF/CC for approval if appropriate.

(a) Description of Service.

(b) Category of Proposed Contractor (Civilian or Military).

(c) Name, Duty/Position Title, and organization the individual is assigned to.

- (d) Period of Performance.
- (e) Estimated Unit Prices and Total Cost (\$US).
- (f) Justification (Describe efforts to obtain services from non-government personnel).

PART 4 - ADMINISTRATIVE MATTERS

SUBPART 5304.2 - CONTRACT DISTRIBUTION

5304.202 Agency Distribution Requirements.

(90) Copies of all resulting contracts exceeding the thresholds at PAFFARS 5301.9090-1 together with all supporting file documentation not previously provided as part of solicitation or clearance review, shall be electronically provided to HQ PACAF/LGCR upon award. Contract file documentation shall be prepared per PAFFARS 5304.803, except that copies of unsuccessful offerors proposals need not be provided.

(91) All modifications to contracts maintained by HQ PACAF will be electronically forwarded to HQ PACAF/LGCR. Supporting documentation is not required.

*(92) Provide electronic notification to HQ PACAF/LGCR for those solicitations reviewed at HQ PACAF when:

(i) Solicitation is canceled.

(ii) No proposals received.

(iii) All proposals are rejected.

*(iv) Award is made in an amount not exceeding the thresholds at PAFFARS 5301.9090-1. Furnish an electronic copy of the PNM or NCA and AF Form 3059, SJA Coordination Sheet.

SUBPART 5304.8 - GOVERNMENT CONTRACT FILES

*5304.801-90 General.

All important letters and documents pertaining to contractual actions shall be translated into the English language. Letters and documents of minor importance may be annotated with a summary of content.

5304.803 Contents of Contract Files.

(a)(90) Contract files will be maintained using the format required by PACAF Form 54.

(91) For multiple awards made against a single solicitation, file the records of the solicitation with the contract that has the latest expiration date. Cross-reference the other awarded contracts to permit identification of pertinent documents.

(92) An updated copy of the contract will be maintained under Section D of the PACAF Form 54 when the contracting officer determines that the extent of the modifications warrant it to better track contract changes. The contracting officer will determine the method used to maintain the updated copy.

5304.804-5 Detailed Procedures for Closing Out Contract Files.

(c)(90) For those contracts forwarded to HQ PACAF/LGCR, a copy of the DD Form 1594, Contract Completion Statement, will be electronically sent to HQ PACAF/LGCR upon physical completion and close-out.

PART 5 - PUBLICIZING CONTRACT ACTIONS**SUBPART 5305.2 - SYNOPSES OF PROPOSED CONTRACT ACTIONS**

5305.202 Exceptions.

(b) Submit requests for Secretarial approval through HQ PACAF/LGCP.

SUBPART 5305.5 - PAID ADVERTISEMENTS

5305.502 Authority.

(a)(1)(ii) PACAF wing commanders are delegated the authority to approve the publication of paid advertisements of \$2,500 or less for proposed contracts. PACAF/CV is delegated the authority to approve advertisements of greater than \$2,500. Requests for approvals greater than \$2,500 shall be sent through HQ PACAF/LGC.

PART 6 - COMPETITION REQUIREMENTS**SUBPART 5306.3 - OTHER THAN FULL AND OPEN COMPETITION**

5306.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.

(a)(2)(i)(1) Authority to make a determination to enter into a contract resulting from an unsolicited proposal for studies, analyses or consulting without full and open competition is delegated to HQ PACAF/LG.

5306.303-1(e) When contract award exceeding \$500,000 is contemplated using the authority at FAR 6.302-2 Unusual and Compelling Urgency, the CONS commander or designee shall contact HQ PACAF/LGCR for preliminary review of the justification. Contact should be made prior to award whenever circumstances permit or as soon thereafter as practicable. Information to be provided should include a description of the supplies or services required, dollar value, and rationale to support the unusual and compelling nature of the requirement. The justification shall be prepared and submitted to HQ PACAF/LGCR within 30 days after preliminary review or award of the contract, whichever occurs first.

SUBPART 5306.304-90 APPROVAL OF THE JUSTIFICATION

5306.304-90(b) Authority to approve Justification and Approval (J & A) requests is delegated as follows:

<u>Amount</u>	<u>Authority Level</u>
Over \$500,000 - \$10,000,000	HQ PACAF/LG

Justification and Approval packages to be submitted for HQ PACAF/LG or higher approval shall be prepared in the following format:

A cover letter signed by the contracting squadron commander with two attachments:

1. Justification and Approval Document prepared in accordance with FAR 6.303-2
2. Justification Review Document signed by the functional area chief of the requiring activity; the contracting squadron commander; the installation staff judge advocate; and the installation competition advocate.

5306.304-90 Competition Advocate Program.

(a) Assignment of Competition Advocates shall be IAW AFI 63-301, para 2. Advocates shall ensure the command competition program is implemented and carried out IAW AFI 63-301, para 3. The PACAF Contracting Squadron Commander at each installation will function as advisor to their respective Competition Advocate.

SUBPART 5306.90 - CONTRIBUTION TO COMPETITION UNIT AWARD

5306.90(a) Refer to AFI 36-2835 Outstanding Contribution to Air Force Competition Awards Program for individuals, units, MAJCOM, and SOA. Each PACAF unit and/or organization may submit nominations for the Air Force Competition Awards. HQ PACAF is required to submit selected nomination(s), signed by the commander, to SAF/AQC by 15 November of each calendar year. Follow suggested formats included as attachments to AFI 63-301.

PART 7 - ACQUISITION PLANNING**SUBPART 5307.1 - ACQUISITION PLANS (APs)**

5307.103 Agency-head responsibilities.

(c)(i)(C)(II) APs shall be written for all privatization initiative projects and all new (first-time) service contracts estimated to be in excess of the review thresholds delegated to the contracting office unless waived in writing by HQ PACAF/LGC. An AP shall also be written for supply, construction, and recurring service contracts at the contracting officer's discretion, based on such factors as the uniqueness, complexity, urgency, or mission impact of the requirement.

5307.104-90 Air Force procedures for acquisition plans.

(a) PACAF procedures for acquisition plans.

(i) The contracting squadron commander has overall responsibility for teaming with customers to ensure effective acquisition planning.

(ii) The contracting officer, staff judge advocate and functional area chief/commander/director (or designee) shall review the AP. If the plan proposes other than full and open competition, the small business specialist shall also review the AP.

(iii) APs in excess of \$30,000,000 (or \$15,000,000 in any one fiscal year) must be approved by HQ PACAF/LGC.

(iv) A revised AP shall be prepared and approved when the award date will be delayed more than 30 days and a major adverse impact may result from the delay.

*(v) Advance Acquisition Plan Milestones shall be prepared for all acquisitions which exceed the simplified acquisition threshold of FAR Part 13. PACAF Form 226, Advance Acquisition Plan Milestones, will be used unless additional milestones not included on the form are necessary for effective planning. For acquisitions which exceed the thresholds at PAFFARS 5301.9090-1, submit a copy of the PACAF Form 226 and any revisions to HQ PACAF/LGCR within ten days after the form has been coordinated. For revisions, include an explanation for the change in milestones.

(A) Include the acquisition strategy panel function as one of the milestones when required by PAFFARS 5307.104-91.

(B) The planned milestones should reflect a reasonable period of time to allow new contractors to mobilize and phase-in between the award date and the performance start date. A minimum of 30 days should be allowed unless the contracting officer determines a period of less than 30 days is reasonable.

(C) The dated signatures of the contracting officer and flight chief shall be included on the Form 226. The dated signatures of the contracting squadron commander and functional area chief/commander/director (or

designee) shall also be included for requirements which exceed the thresholds under PAFFARS 5301.9090-1(b).

(D) A revised PACAF Form 226 will be prepared when the planned award date will be delayed by 30 or more days.

(b)(1) APs which require Senior Procurement Executive approval per AFFARS 5307.104-90(b) will use the format at FAR 7.105 and submitted to HQ PACAF/LGC for review and subsequent transmittal to SAF/AQCS.

(c)(2)(v) HQ PACAF/LGC may authorize solicitation release for APs subject to SPE approval.

5307.104-91 Acquisition Strategy Panels (ASPs).

(a) ASPs are required for acquisitions estimated to exceed \$1,000,000, inclusive of option periods, except for fully designed construction projects and recurring service contracts. Regardless of the estimated amount of an acquisition, an ASP will be conducted if the requirement is a Commercial Activities Program (A-76) or privatization initiative or if source selection procedures under AFFARS Subpart 5315.3 are applied. An ASP is encouraged for acquisition less than \$1,000,000 and should be considered in situations such as the following: limited experience in acquiring a requirement or in employing a contracting tool such as incentives; history of protests or performance problems; or significantly compressed acquisition lead time. If deemed appropriate, HQ PACAF/LGC may require an ASP for any acquisition.

(1) The ASP meeting should be convened at least twelve (12) months prior to the contract start date. Minutes or a memorandum covering the issues discussed will be prepared. A copy of the minutes shall be provided to HQ PACAF/LGCR.

(2) Special emphasis should be placed on the establishment of acquisition milestones and assignment of specific responsibilities.

(c) Contracting squadron commanders are designated as ASP chairpersons.

(d)(2) The Associate Director of Small Business and HQ PACAF/LGCR shall be invited to all ASPs.

5307.105 Contents of written acquisition plan.

Unless waived by HQ PACAF/LGC, the format below will be used for acquisitions described in PAFFARS 5307.104-90(a).

PACAF ACQUISITION PLAN FORMAT

Project Title:

Contracting Office:

Requiring Activity:

Estimated Dollar Value:

I. Acquisition Background.

A. Statement of Need.

1. Description of the requirement.
2. Relevant technical or contractual history.

B. Applicable Conditions.

1. Cost, schedule, or capability constraints.
2. Compatibility requirements.
3. Environmental issues.
4. Contractor versus Government performance, if A-76 effort.
5. External factors which require consideration.

C. Contractor Performance.

1. Desired delivery or performance schedule.
2. Mobilization and phase-in requirements.

II. Plan of Action.

A. Sources.

1. Prospective sources.
2. Small business consideration.
3. Methods of acquiring competition or basis for other than full and open competition.

B. Selection Method.

1. Sealed bids (IFB) or negotiated (RFP).
2. Description of basis for award.
 - a. Low price, technically acceptable/low price or source selection.

b. Single or multiple awards.

C. Contracting Considerations.

1. Type of contract (firm fixed price, indefinite delivery, cost reimbursement, etc.).
2. Funding requirements or issues.
3. Government furnished property.
4. Method of contract surveillance.
5. Other (draft RFP, options, incentives, etc.).

III. Acquisition Plan Milestones. Attach PACAF Form 226 or a more detailed milestone chart as determined necessary by the contracting officer.

Contracting Squadron Commander/Date

Functional Area Chief/Commander/Director Date

Contracting Officer/Date

Local Staff Judge Advocate/Date

SUBPART 5307.4 - EQUIPMENT LEASE OR PURCHASE

5307.401 Acquisition Considerations.

5307.401-90(a) Except for medical supply generated items and tenant organizations that have their own stock record account number (SRAN), all requests for rental/lease of equipment must be coordinated with Supply's Allowance and Authorization (A&A) section to determine equipment authorization inventory data (EAID) accountability. The A&A section will provide a statement on the AF Form 9 saying whether or not equipment accounting is required. Contracting action will not be commenced until evidence of such coordination is received from the requesting activity.

(b) The initiating activity will provide on a case-by-case basis an evaluation that addresses those items listed in FAR 7.401(a) and (b). A cost benefit comparison of rent versus buy options will be accomplished in accordance with AFI 65-501 by the servicing Cost and Management Analysis (FMA). The rationale or analysis will be attached to the AF Form 9 and will become part of the contract file.

(c)(i) The contracting officer may proceed with rental or lease action without an in-depth economic analysis in those cases where it is determined that no useful purpose would be served. (Example: rental of portable latrines, requirement less than 60 days, emergency need, etc.)

(ii) Equipment items rented on a temporary basis to replace government owned equipment undergoing repair or pending receipt of previously ordered items are exempt. A statement from the requesting activity shall be reflected on the purchase request.

(d) Lease agreements using 3400 funds cannot obligate the government for more than current year funding. Long-term lease agreements shall contain unfunded annual options.

PART 8 - REQUIRED SOURCES OF SUPPLIES AND SERVICES**SUBPART 5308.70 - COORDINATED ACQUISITION**

5308.7002 Assignment Authority.

*(a)(4) HQ PACAF/LGC is delegated the authority to enter into continuing agreements with other Department of Defense activities for the performance of functional responsibilities related to contracting.

PART 9 - CONTRACTOR QUALIFICATIONS

SUBPART 5309.2 - QUALIFICATIONS REQUIREMENTS

5309.202 Policy.

*(e) HQ PACAF/LGC is the designee referenced in FAR 9.202(e).

5309.206-1 General.

*(b) HQ PACAF/LGC is the designee referenced in FAR 9.206-1(b).

SUBPART 5309.5 - ORGANIZATIONAL CONFLICTS OF INTEREST

5309.506 Procedures.

*(d)(3) HQ PACAF/LGC is delegated the authority to approve or direct the method of resolving conflicts or potential conflicts of interest with the advice of the SJA.

PART 11 -DESCRIBING AGENCY NEEDS**SUBPART 5311.4 - DELIVERY OR PERFORMANCE SCHEDULES**

5311.402 Factors to consider in establishing schedules.

(b) For solicitations and contracts that contain a notice to proceed requirement, the contracting officer shall include a statement addressing when the notice to proceed will be issued--either no later than a specified date or within a specified number of days following a certain contract milestone.

PART 12 – ACQUISITION OF COMMERCIAL ITEMS

SUBPART 5312.3 – SOLICITATION PROVISIONS AND CONTRACT CLAUSES FOR THE ACQUISITION OF COMMERCIAL ITEMS

*5312.302 Tailoring of Provisions and Clauses for the Acquisition of Commercial Items.

(c) HQ PACAF/LGC is delegated the authority to approve tailoring inconsistent with customary commercial practice.

*5312.403 Termination.

*(a) For acquisitions containing FAR 52.212-4, Contract Terms and Conditions – Commercial Items, and awarded using simplified procedures in accordance with FAR Part 13, contracting officers are authorized to terminate for convenience of the Government or for cause. For commercial item acquisitions awarded using FAR Part 12 and FAR Part 14 or Part 15 procedures, contracting officers must follow the procedures set forth in PAFFARS Part 49 to terminate for cause.

PART 14 - SEALED BIDDING**SUBPART 5314.2 - SOLICITATION OF BIDS**

5314.201-1 Uniform Contract Format.

(a) The Uniform Contract Format (UCF) will be used by all PACAF contracting squadrons for other than commercial item acquisitions.

*(b) The UCF will also be used for construction acquisitions.

5314.201-7 Contract Clauses.

(b)(2) HQ PACAF/LGC is delegated the authority to waive inclusion of the clause at 52.214-27, Price Reduction for Defective Cost or Pricing Data - Modifications - Sealed Bidding.

(c)(2) HQ PACAF/LGC is delegated the authority to waive inclusion of the clause at 52.214-27, Subcontractor Cost or Pricing Data - Modifications - Sealed Bidding.

*(d) Do not include FAR clause 52.214-29, Order of Precedence-Sealed Bidding, in construction contracts.

5314.208 Amendment of Invitation for Bids.

(a)(1)(90) Amended solicitations should be accomplished by incorporating revised pages. Indicate new, revised, or deleted material by a vertical line in the margin. Adequately mark each revised page in the upper or lower margin to indicate the amendment number. If the solicitation was reviewed by HQ PACAF/LGCR, forward one copy of the amendment to HQ PACAF/LGCR at the same time they are mailed to prospective bidders.

5314.213 Annual Submission of Representations and Certifications.

(b) When utilizing annual representations and certifications, written procedures shall be developed by the Contracting Squadron for requesting, receiving, storing, verifying and updating offeror's annual submissions.

SUBPART 5314.4 - OPENING OF BIDS AND AWARD OF CONTRACT

5314.403 Recording of bids.

(a) Additional information, as indicated below, shall be entered on the Standard Form 1409 or Optional Form 1419:

(1) Item(s) awarded shall be outlined in red.

(2) Item(s) low in bid price but rejected for any reason shall be outlined in blue. The reason(s) for rejection shall be entered on the abstract.

- (3) If the solicitation is canceled before bid opening, the reason(s) shall be entered on the abstract with the statement: "Solicitation canceled on (date)."
- (4) If a solicitation is canceled after opening, the following statement signed by the contracting squadron commander shall be entered on the abstract: "Solicitation canceled on (date) for (state reasons)."
- (5) If no bids were received, the following statement shall be entered on the abstract: "No bids were received in response to this solicitation."
- (6) All alternate or qualified bids, multiple FOB points, alternate delivery schedules, discounts for prompt payment, and late acceptable bids, shall be explained on the abstract.
- (7) All awards, including multiple awards, shall be indicated on the abstract as follows:
 - (I) Name(s) of successful bidder(s).
 - (ii) Item(s) awarded and total amount.
 - (iii) Contract number.
 - (iv) The following statement: "I certify that I have made award(s) or rejected bid(s) as indicated on this abstract." This statement shall be signed and dated by the contracting officer.

5314.408-2 Responsible Bidder – Reasonableness of Price

- (a) State the reason for price reasonableness on the abstract of offerors or on a separate memorandum. One or more of the price analysis techniques listed in FAR 15.404-1(b) may be cited as the basis for price reasonableness. If the apparent low bid is more than plus or minus 20% from the government estimate, the contracting officer shall require the activity that prepared the government estimate to review its accuracy and provide written review results before contract execution. The activity's review shall address, as a minimum, the following areas, if applicable, to support the determination that the low bid is fair and reasonable:
 - (1) Correctness of specifications.
 - (2) Labor costs.
 - (3) Market conditions.
 - (4) Validity of Government estimate.

PART 15 - CONTRACTING BY NEGOTIATION**SUBPART 5315.2 - SOLICITATION AND RECEIPT OF PROPOSALS AND QUOTATIONS**

*5315.204-1(a) The uniform contract format will be used for construction acquisitions.

*5315.209(h) Do not include FAR clause 52.215-8, Order of Precedence-Uniform Contract Format, in construction contracts.

***SUBPART 5315.3 – SOURCE SELECTION**

*5315.303(a) For acquisitions with an estimated value of \$10 million to less than \$500 million, source selection authority is delegated to the installation commander. Further delegation of this authority shall be reviewed by HQ PACAF/LGC prior to such delegation.

SUBPART 5315.4 – CONTRACT PRICING

*5315.402 Pricing Policy.

*(a) Requests which require SAF/AQC approval to obtain other than cost or pricing data, shall be submitted through HQ PACAF/LGCR.

5315.404-4 Profit.

(b)(2)(C)(2) Submit requests to use an alternate structured approach to HQ PACAF/LGCR.

5315.404-90 Price Analysis and Review Technique for Spares/support equipment (PARTS)

(b)(1)(ii) PACAF/LGC is delegated the authority to establish lower dollar thresholds for requiring application of PARTS.

5315.406 Documentation.

5315.406-1 Prenegotiation Objectives.

*(b) The contracting officer will brief the contracting squadron commander on negotiation objectives for competitive negotiated actions when the resulting contract is estimated to exceed the threshold at PAFFARS 5301.9090-1. For non-competitive acquisitions exceeding review thresholds, this briefing will be accomplished prior to requesting clearance review and approval. Contracting squadron commanders shall establish procedures for management review of objectives prior to negotiation for acquisitions below the review threshold. The contracting squadron commander will brief the Chief of the Contracting Division, HQ PACAF, on any unusual or extraordinary aspects of command interest of the proposed acquisition and the possible impact they may have on the resulting contract.

5315.406-3 Documenting the Negotiation.

5315.406-90 Narration of Contracting Action (NCA).

*(a) When award is made without discussion with any offeror, the contracting officer will prepare a NCA in lieu of a PNM. The NCA will include the applicable items listed under FAR 15.406-3(a) explain the contracting officer's rationale for not opening discussions. NCAs & PNMs will be marked "For Official Use Only" and such marking shall be retained after award.

5315.407-3 Forward Pricing Rate Agreements.

(b)(i) PACAF/LGC is delegated the authority to waive the mandatory use of FPRAs on a case by case basis.

*5315.407-91-3 Responsibilities.

(b)(1) The Chief of the Contract Processes Branch, HQ PACAF/LGCR, is the command focal point for contract audit follow-up. Each contracting squadron shall designate an individual as the focal point responsible for the audit follow-up program at the installation level.

SUBPART 5315.6 - UNSOLICITED PROPOSALS

5315.606 Agency Procedures.

(a) All copies of an unsolicited proposal will be forwarded to the appropriate coordinating office.

(1) The coordinating office will maintain a log which records the receipt, location of all copies, and disposition of each unsolicited proposal.

(2) Proposals will not be reproduced, copied, photographed, or otherwise duplicated unless authorized by the coordinating office.

(b) Each contracting squadron will be the contact point for unsolicited proposals and will function as the coordinating office for the receipt and handling of such proposals received within its geographical area of responsibility. HQ PACAF/LGCR is the command contact point.

5315.606-1 Receipt and Initial Review.

(b) An unsolicited proposal will be acknowledged in writing by the coordinating office within five (5) working days after receipt by the coordinating office.

5315.606-2 Evaluation.

(b) The coordinating office will promptly notify the submitter of evaluation results and any further actions to be taken by the Government. If an evaluation is not completed within thirty (30) calendar days after acknowledgment of receipt by the coordinating office, the submitter will be informed of the projected completion date.

5315.607 Criteria for acceptance and negotiation of an unsolicited proposal.

(a) One copy of an unacceptable proposal will be retained by the coordinating office for record purposes. All remaining copies will be returned or disposed of in accordance with instructions provided by the submitter.

PART 16 - TYPES OF CONTRACTS

SUBPART 5316.2 - FIXED-PRICE CONTRACTS

5316.206-3 Limitations.

(d) HQ PACAF/LGC is delegated the authority to approve in writing the use of Fixed-Ceiling-Price Contracts with Retroactive Price Redetermination.

SUBPART 5316.6 - TIME-AND-MATERIALS, LABOR-HOUR, AND LETTER CONTRACTS

5316.603-2 Application.

(c)(3) HQ PACAF/LGC is delegated the authority to approve a unilateral price determination for definitization of letter contracts.

5316.603-3 Limitations. HQ PACAF/LGC is delegated the authority to approve issuance of letter contracts (see 5317.74).

PART 17 - SPECIAL CONTRACTING METHODS

SUBPART 5317.1 - MULTIYEAR CONTRACTING

5317.103-1 General.

(a) HQ PACAF/LGC is delegated the authority to approve a classic small multiyear contract and to make the determination to use a multiyear contract for property contracts under \$500 million when the cancellation ceiling is under \$100 million.

5317.106-3 Special Procedures Applicable to DoD.

(f) HQ PACAF/LGC is delegated the authority to request only multi-year prices.

(g) HQ PACAF/LGC is delegated the authority to use variable unit prices.

SUBPART 5317.2 - OPTIONS

5317.207 Exercise of Options. The unilateral modification by which an option is exercised is not subject to clearance requirements. However, when the modification by which an option is exercised requires the contractor's signature, the clearance requirements of PAFFARS 5301.9090 apply.

SUBPART 5317.74 - UNDEFINITIZED CONTRACTUAL ACTIONS

5317.7404 Limitations.

5317.7404-1(1)(iii)(A) Approval authorities with prescriptions for their use are:

TYPED OF UNDEFINITIZED ACTION

APPROVAL LEVEL

Letter Contracts

HQ PACAF/LGC

Change Orders

Contracting Squadron Commander

Unpriced Orders Under a Basic Ordering Agreement (BOA)

(Same as Change Order)

Undefinitized Supplemental Agreements

Contracting Squadron Commander

(B) Requests for issuance of letter contracts will be forwarded to HQ PACAF/LGC and will contain the following information as a minimum:

(1) PR number, description of services and estimated contract amount.

(2) Method of selection of the contractor.

(3) Reasons why: (a) a binding commitment must be given to the contractor to start work immediately; and, (b) negotiating a definite contract is not possible in sufficient time to meet the requirement.

(4) Proposed definitization schedule.

(5) Maximum liability of the government prior to definitization.

(c) All determinations for issuance of letter contracts will be executed by HQ PACAF/LGC. Copies of the letter and definitive contracts will be forwarded to HQ PACAF/LGCR simultaneously with distribution to the contractor.

5317.7404-3 Definitization Schedule.

As a minimum, the definitization schedule (except letter contracts - See FAR 16.603-2 (c)) will contain scheduled dates or days for (a) receipt of contractor's proposal which should be consistent with the "Changes" clause (b) start of negotiation and (c) definitization.

SUBPART 5317.75 - ACQUISITION OF REPLENISHMENT PARTS

5317.7503 Acquisition of parts when data is not available.

(d)(2) HQ PACAF/LGC is delegated the authority to authorize reverse engineering.

PART 19 - SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS**SUBPART 5319.2 - POLICIES**

5319.201 General Policy.

(b) HQ PACAF Director of Small Business is delegated the authority to implement Small Business Programs.

(c) HQ PACAF Director of Small Business is delegated the authority to appoint technical advisors.

5319.202 Specific Policies. The Associate Director of Small Business will participate in all acquisition strategy panels (ASP's) convened in accordance with the requirements of PAFFARS 5307.104-91.

PART 22 - APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

SUBPART 5322.1 - BASIC LABOR POLICIES

5322.101-1 General.

*(e) PACAF contracting officers may use FAR 52.222-1, Notice to the Government of Labor Disputes, in contracts that warrant its inclusion. No further determination is required.

5322.101-3-70 Impact of Labor Disputes on Defense Programs.

(b) HQ PACAF/LGC is designated to submit a report of findings and recommendations to the labor advisor and agency head for contracts where a labor dispute has impacted a Government contract.

*(c) HQ PACAF/LGC is designated to submit impact reports to the agency level.

SUBPART 5322.4 – LABOR STANDARDS FOR CONTRACTS INVOLVING CONSTRUCTION

5322.406-8 Investigation.

(d)(1) The contracting officer shall forward the report of violations including findings and supporting evidence to HQ PACAF/LGCR.

SUBPART 5322.8 - EQUAL EMPLOYMENT OPPORTUNITY

5322.805 Procedures.

*(a)(8) HQ PACAF/LGC is delegated the authority to approve award of a contract prior to receipt of EEO clearance.

5322.808 Complaints.

Complaints alleging violation of the requirements of EO 11246 shall be sent through HQ PACAF/LGCR to OFCCP.

SUBPART 5322.14 – EMPLOYMENT OF THE HANDICAPPED

5322.1406 Complaint Procedures.

(1) Provide HQ PACAF/LGCR with a copy of each complaint received as indicated in FAR 22.1406 at the same time the complaint is forwarded to the Department of Labor regional/area offices.

**PART 23 - ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY
AND DRUG-FREE WORKPLACE**

SUBPART 5323.3 - HAZARDOUS MATERIAL IDENTIFICATION AND MATERIAL SAFETY

5323.370-4 Procedures.

(a)(1)(i)(B) HQ PACAF/LGC is delegated the authority to approve omission of the clause, "Safety Precautions for Ammunition and Explosives" or to waive the mandatory requirements of the safety manual. Request shall be coordinated through the base safety office prior to submission for approval.

SUBPART 5323.9 – TOXIC CHEMICAL RELEASE REPORTING

5323.906 Requirements.

*(b) HQ PACAF/LGC is delegated the authority to determine whether FAR Clause 52.223-3 should be excluded from the solicitation.

*(e) HQ PACAF/LGC is delegated the authority to determine whether the EPA recommendation to terminate a contract for convenience or some other action is appropriate.

PART 25 - FOREIGN ACQUISITIONS**SUBPART 5325.3 - BALANCE OF PAYMENTS PROGRAM**

*5325.303 Exceptions.

*(b) and (e) Authority to approve procurement of foreign end products or services which primarily involve the acquisition of supplies, for delivery or performance outside the US is delegated as follows:

<u>Estimated Acquisition Amount</u>	<u>Authority Level</u>
Over \$100,000 - \$500,000	Wing/CC
Over \$500,000	PACAF/CC

*5325.802-70 Contracts for performance outside the United States and Canada.

(b)(2)(v) The Medical Treatment Facility (MTF) at each PACAF installation will develop information on limitations/availability of medical care specialties on and off base, billing practices, expense, and insurance. This information will be updated annually and submitted to the servicing contracting activity and HQ PACAF/SGOCM. Each solicitation and contract will include the MTF information and require the contractor to provide such information to each U.S. and third country employee who will perform work at an overseas installation.

PART 28 - BONDS AND INSURANCE

SUBPART 5328.1 - BONDS

5328.101-1 Policy On Use.

(c) The requirement for bid guarantees for construction contracts to be performed in Japan is hereby waived because of the impracticality of the contractors to furnish such guarantees.

5328.102-1 General.

(a)(1) The requirement for payment bonds for construction contracts to be performed in Japan is hereby waived because of the impracticability of the contractors to furnish payment bonds.

5328.105 Other Types of Bonds. HQ PACAF/LGC is delegated the authority to approve the use of other types of bonds in connection with acquiring particular supplies or services, including advance payment bonds and infringement bonds.

5328.106-2 Substitution of Surety Bonds.

(a) Contracting Squadron Commanders are delegated the authority to approve substitution of a new surety bond.

5328.106-3 Additional Bond and Security.

(90)(a) Within thirty (30) days after the Government gives the contractor notice of its intent to exercise an option extending the term of the contract, the contracting officer shall obtain from the contractor: (a) consent of the surety to extend coverage of the bonds for the option period; (b) statements from the surety or sureties that the contractor is able to secure new payment and performance bonds for the option period; or, (c) other evidence acceptable to the contracting officer that the contractor is able to secure such bonds.

(90)(b) The contractor shall provide such bonds to the contracting officer within fourteen (14) days of receipt of the contractual modification exercising the option but in no event after the start of performance under the option.

(90)(c) The contractor will be asked to furnish evidence that the surety understands that the bonds shall apply and extend to the option year prior to the formal modification exercising the option. The consent of surety format is acceptable for this purpose. Where the contractor fails to furnish this evidence, the Contracting Officer should contact the surety to ascertain bonding coverage or circumstances surrounding failure to furnish this coverage and document pertinent findings along with determination to modify the contract for consideration, default, or other such action as may be appropriate.

(90)(d) This guidance is applicable to contracts for construction as well as other contracts that require bonding for option periods.

SUBPART 5328.3 - INSURANCE

*5328.311-1 Contract Clause. HQ PACAF/LGC is delegated the authority to waive the requirement to include the clause at FAR 52.228-7, Insurance - Liability to Third Persons.

*5328.370 Additional Clauses.

(a)(2) HQ PACAF/LGC is delegated the authority to decide not to allow the contractor to buy insurance for war-hazard losses.

PART 32 - CONTRACT FINANCING**SUBPART 5332.7 - CONTRACT FUNDING**

5332.703-1 General.

(b)(1)(iii) HQ PACAF/LGC is delegated the authority to approve the use of incremental funding for either base service contracts or hazardous/toxic waste remediation contracts.

(90) All contracting dollar thresholds shall be based upon the Budget rate of exchange for foreign currency equivalents.

5332.790 Base Contract Funding.

*(b)(90) Purchase requests for the execution of construction projects, where funds are not cited on the purchase request, must contain a statement on the purchase request that sufficient funds are held in reserve at HQ PACAF (or other cognizant funding authority) and will be made available when the amount of the successful offeror is determined by the contracting officer. Projects may include, for example, operation and maintenance (O&M), quality of life enhancement (QOLE), environmental, demolition, military family housing (MFH) maintenance and repair, MFH MILCON investment programs, and MFH post acquisition improvement program (PAIP) projects.

PART 33 - PROTESTS, DISPUTES AND APPEALS**SUBPART 5333.1 - PROTESTS**

5333.102 General.

(b) Forward requests for head of the agency determinations through HQ PACAF/LGCR.

*(b)(3)(ii) Forward contracting officer determinations for protest costs through HQ PACAF/LGCR prior to making demand for reimbursement on the contractor.

*5333.103-90 Protests to the Agency.

(b) PACAF contracting squadron commanders are redelegated the authority to deny protests which are lodged no higher than the field activity level. Legal advice shall be obtained prior to any decision. Verbal notification of all field level protests must be made to HQ PACAF/LGCR within 48 hours after receipt of the protest and a copy of all applicable documents shall be forwarded to HQ PACAF/LGCR for informational purposes.

5333.104 Protests to GAO.

5333.104-90(a)(1)(iii) Notify HQ PACAF/LGCR immediately if the contracting officer or staff judge advocate believes that the Air Force should request summary dismissal of a protest. HQ PACAF/LGCR will forward the request to SAF/AQCX.

(a)(1)(iv) Direct all status requests or questions on protests pending at GAO to HQ PACAF/LGCR. Contracting officers shall not contact SAF/AQCX or GAO directly unless requested by those offices.

(a)(2) Whenever notification is received from any source of an actual or imminent protest to GAO, the contracting officer shall immediately notify HQ PACAF/LGCR.

(a)(2)(i)(A) All contracting activities shall precoordinate with their respective Director of Information Management and/or Air Postal Service to establish procedures for transmission of files to HQ PACAF/LGCR and SAF/AQCX by the most expeditious means, including, but not limited to commercial express courier, UPS express mail, or internal distribution systems. All requests for time extensions shall be processed through HQ PACAF/LGCR to SAF/AQCX. Requests from field activities to HQ PACAF/LGC shall be telephonic or by telefax, predicated on urgency of need.

(g) HQ PACAF/LGC has been delegated the authority to notify GAO when GAO recommendations have not been fully implemented within 30 days of receiving the GAO recommendations.

SUBPART 5333.2 - DISPUTES AND APPEALS

5333.211 Contracting Officer's Decision.

(a) Forward to HQ PACAF/LGCR copies of the proposed contracting officer's decision, correspondence with the contractor which led to the decision, and Staff Judge Advocate opinions, copies of the entire Rule 4 file does not have to be sent to HQ PACAF/LGCR. The Rule 4 file will be transmitted to HQ AFMC LO/JAB. Upon receipt of HQ AFMC comments/coordination and release of final decision to the contractor, send a copy of these documents to HQ PACAF/LGCR.

(b) Copies of final decisions of \$100,000 or less will be forwarded to HQ PACAF/LGCR together with copies of legal opinions and the statement of findings by the contracting officer supporting the decision.

5333.214 Alternative Disputes Resolution (ADR). (This supplements FAR 33.214).

(c) When contemplating use of ADR, the contracting officer shall coordinate with the base staff judge advocate.

5333.290 Appeals.

(a) Appeals to the Armed Services Board of Contract Appeals (ASBCA).

(1) Forward copies of the contractor's appeal and ASBCA decision. Advise HQ PACAF/LGCR if settlement takes place without an ASBCA decision.

PART 35 - RESEARCH AND DEVELOPMENT CONTRACTING

SUBPART 5335.015-70 - FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS

(c) HQ PACAF/LGC is delegated the authority to approve special use allowances for educational institutions' construction or acquisition of research facilities.

*(d)(3)(ii) HQ PACAF/LGC is delegated the authority to approve putting the research facility to significant use other than that which justified the special use allowance.

PART 36 - CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS**SUBPART 5336.2 - SPECIAL ASPECTS OF CONTRACTING FOR CONSTRUCTION**

5336.201 Evaluation of Contractor Performance.

(a)(4) The evaluating official should be the inspector on the respective contract or a level higher, but in no case shall the evaluating official be at a level below the inspector. The reviewing official should be the chief of the construction flight within the contracting office, but in no case shall the reviewing official be at a level below the contracting officer on the respective contract.

5336.202-90 Specifications and Drawings.

(a) Prior to issuing a solicitation, a joint review of the project specifications and drawings for all formal contracts will be conducted by members of the requiring activity, the contracting activity, and when necessary, the using activity in order to ensure their suitability. The objectives of this review include, but are not limited to, the following:

- (1) To ensure that the specifications and plans are compatible with the type of contract selected.
 - (2) To screen the specifications and plans for clarity of meaning, ambiguities, and duplication of statements that will appear in the clauses or other provisions of the invitation for bid (IFB), request for proposal (RFP), or the resultant contract.
 - (3) To verify availability of the work site.
 - (4) To establish proper timing for the acquisition and the performance period of the work with consideration afforded to market and seasonal consideration, complexity of the project, liquidated damage clauses, and other factors.
 - (5) To ascertain that GFM/GFE is available or will be available by the date required.
 - (6) To ascertain whether the proposed contract is subject to any ceilings and/or statutory limitations established in applicable public laws and DOD or Air Force directives.
 - (7) To ensure that the international balance of payments, policies, and procedures for overseas projects, if applicable, are adequate and compatible with the acquisition plan.
- (b) If more than 120 days have elapsed between the date of the joint review and expected solicitation issue date, another joint review will be conducted prior to solicitation issuance to reexamine, as a minimum, the objectives cited in (a)(3), (4), and (5) above when determined necessary by the contracting officer. If the contracting officer determines that another joint review is not necessary, the file will be documented accordingly.

5336.204 Disclosure of the Magnitude of Construction Projects. In solicitations for construction in Japan, express the magnitude of construction projects in Japanese Yen to standardize our contracting procedures.

5336.205 Statutory Cost Limitations.

(d) Materially unbalanced proposals will not be rejected pursuant to authority contained in this paragraph until the final negotiated price is determined. In no event, however, will statutory cost limitations be exceeded in the contract awards.

5336.208 Concurrent performance of firm-fixed-price and other types of construction contracts. HQ PACAF/LGC is delegated the authority to give prior approval to use multiple contract types at the same work site.

5336.213 Presolicitation Notices.

(a) Contracting Squadron Commanders are delegated the authority to waive the requirement for presolicitation notices on contracts expected to equal or exceed \$100,000.

5336.272 Prequalification of Sources.

(b) HQ PACAF/LGC is delegated the authority to approve the use of prequalification procedures.

5336.273 Network analysis systems. HQ PACAF/LGC is delegated the authority to approve procedures for preparing and using network analysis systems.

SUBPART 5336.5 - CONTRACT CLAUSES

5336.507 Permits and Responsibilities. When the clause at FAR 52.236-7, Permits and Responsibilities, is used in solicitations and contracts overseas, the clause shall be modified to reflect "host government and political subdivisions" in lieu of "Federal, state, and municipal."

5336.570 Additional Provisions and Clauses.

(b)(2) Contracting Squadron Commanders are delegated the authority to approve use of separate line items for construction mobilization, preparatory work, and demobilization.

SUBPART 5336.6 - ARCHITECT & ENGINEER SERVICES

5336.604 Performance Evaluation.

(a)(5) The evaluating official should be the inspector on the respective contract, but in no case shall the evaluating official be at a level below the inspector. The reviewing official should be the chief of the construction flight within the contracting office, but in no case shall the reviewing official be at a level below the contracting officer on the respective contract.

5336.609-1 Design Within Funding Limitations.

(c) Contracting Squadron Commanders are delegated the authority to determine whether cost limitations are secondary to design considerations and additional project funding can be expected, if necessary. The file must reflect the basis of the decision.

5336.691 Use of the Indefinite Delivery, Indefinite Quantity (IDIQ) Contract Type for the Acquisition of Architect-Engineering (A&E) Services.

*(i)(1) For environmental requirements when the services of registered architects or engineers are required in the performance of environmental projects involving prevention, compliance, and restoration, the total individual contract amount shall not exceed \$5,000,000 annually unless prior approval is obtained from HQ PACAF/LGC.

PART 37 - SERVICE CONTRACTING

SUBPART 5337.1 - SERVICE CONTRACTS - GENERAL

5337.103 Contracting Officer Responsibility.

(a)(3)(iii) Introduction by US Forces of Third Country Nationals (TCNs) into Japan is strictly controlled by the US-Japan Status of Forces Agreement. As a result, any entry of contractor TCN employees into Japan shall not be initiated without the prior coordination of COMUSJAPAN/J5.

SUBPART 5337.74 – SERVICES AT INSTALLATIONS BEING CLOSED

5337.7401 Policy.

(c) HQ PACAF/LGC is delegated the authority to approve the determination that the services being acquired under contract with the local government are in the best interests of the Department of Defense.

PART 41 – ACQUISITION OF UTILITY SERVICES**SUBPART 5341.2 – ACQUIRING UTILITY SERVICES**

5341.202(c)(2) HQ PACAF/LGC is delegated the authority to approve the determination that a written contract cannot be obtained and the issuance of a purchase order is not feasible.

5341.204(c)(ii) HQ PACAF/LGC is delegated the authority to approve the determination that the use of the area wide contract is not advantageous to the Government.

PART 42 - CONTRACT ADMINISTRATION

SUBPART 5342.2 - ASSIGNMENT OF CONTRACT ADMINISTRATION

5342.202 Assignment of Contract Administration.

(c)(2) Contracting Squadron Commanders are designated as the approval authority to delegate to the CAO the authority to issue orders under provisioning procedures in existing contracts and under BOAs.

SUBPART 5342.15 – CONTRACTOR PERFORMANCE INFORMATION

5342.1502 Policy.

(a) Past performance evaluations shall be documented using the AFMC Form 162A-1, Contractor Performance Assessment Report.

PART 45 - GOVERNMENT PROPERTY

SUBPART 5345.3 - PROVIDING GOVERNMENT PROPERTY TO CONTRACTORS

5345.302-6 Required Government Property clauses for facilities contracts. PACAF/LGC is delegated the authority to waive liability for unauthorized facilities use.

5345.303-1 Policy.

(90) The Contracting Officer will not award any contracts for base-level services and construction for which Government property is to be furnished before determination is made such property will be available. This determination will be based on receipt of the following information from the requirement generating activity:

*(a) Government property to be furnished under the contract (GFP) will be annotated on the purchase request or in a listing as an attachment to the purchase request if the services are not subject to AFI 63-124. If the services are subject to AFI 63-124, the listing or GFP will be included in the Performance Work Statement in accordance with the instructions in AFI 63-124.

(b) The listing will contain the description or nomenclature of the item, condition (new/used), unit of issue, quantity, unit cost.

(c) If the GFP is on hand and available, its location will be set forth in the listing.

(d) If the GFP is not on hand, details will be obtained to assure it has been ordered in a timely manner; for example, contract number and delivery date, status of contract award, date requirement was submitted to Base Supply or other information.

5345.309 Providing Government production and research property under special restrictions.

*(a) Process requests through PACAF/LGC for approval to install ST, STE, or plant equipment on land not owned by the Government in such fashion as to be nonseverable if the contract contains an alternate provision approved by the Agency Head to protect the Government's interest.

SUBPART 5345.5 - MANAGEMENT OF GOVERNMENT PROPERTY IN THE POSSESSION OF CONTRACTORS

5345.505-14 Reports of Government Property.

(90) When contractors maintain official Government property records, the contract shall require submission of reports of Government property in accordance with DFARS 245.505-14. Each contracting squadron shall submit these reports (DD Form 1662, DOD Property in the Custody of Contractors) to HQ PACAF/LGCP no later than November 5th each year. Negative replies are required.

SUBPART 5345.6 - REPORTING, REDISTRIBUTION, AND DISPOSAL OF CONTRACTOR INVENTORY

5345.603-70 Contractor performance of plant clearance duties.

*(a)(1) Process requests through HQ PACAF/LGC for authorization of selected contractors to perform certain plant clearance functions if the volume of plant clearance warrants.

SUBPART 5345.70 - APPOINTMENT OF PROPERTY ADMINISTRATOR

5345.7001 Appointment of Property Administrator.

5345.7001(a) PACAF contracting squadron commanders may (in writing) select, appoint, and terminate property administrators.

PART 47 - TRANSPORTATION

SUBPART 5347.2 - CONTRACTS FOR TRANSPORTATION OR FOR TRANSPORTATION-RELATED SERVICES

5347.271-4(c)(3) When the schedules require modification, the changes will be forwarded to HQ PACAF/LGC for approval prior to use.

SUBPART 5347.3 - TRANSPORTATION IN SUPPLY CONTRACTS

5347.372-90 Contracting officer will request from the base traffic management office (TMO) transportation data on DD Form 1653 as an attachment to the purchase request in the following situations. The contracting officer's request will include pertinent data and other information to permit the TMO to provide comprehensive and correct data. Ensure Attachment 1 thereto is attached to DD Form 1653 to correct and update the DAR references in the form.

- (1) Transportation costs are anticipated to be a significant factor in the evaluation of factors for award.
- (2) Items require specialized handling during transportation of the items, such as those of high priority, high value, classified, hazardous, over-dimensional in size and weight, and fragile electronic equipment.

5347.372-91 Where transportation services are identical, a standard and coordinated DD Form 1653 can be used for repetitive requirements.

5347.372-92 For required transportation services which do not fall within the situations set forth in 5347.372-90 or 5347.372-91 above, the contracting and traffic management offices will develop local procedures in assuring necessary coordination takes place in the acquisition of supplies.

SUBPART 5347.4 - AIR TRANSPORTATION BY U.S. FLAG CARRIERS

5347.490 Contract Clause.

- (a) The contracting officer shall insert the clause at PAFFARS 5352.247-9000, Air Transportation Agreement, in solicitations and contracts when use of Government air transportation is authorized for contractor employees.
- (b) Introduction by U.S. Forces of Third Country Nationals (TCNs) into Japan is strictly controlled by the U.S. - Japan Status of Forces Agreement. As a result, use of government air transportation for travel of contractor TCN employees into Japan shall not be initiated without the prior coordination of COMUSJAPAN/J5.

SUBPART 5347.5 - OCEAN TRANSPORTATION BY US FLAG VESSELS

5347.572-1 Ocean transportation incidental to a contract for supplies, services, or construction.

*(d)(3) HQ PACAF/LGC is designated to receive the COs report and forward it to the Commander, Military Sealift Command.

PART 48 - VALUE ENGINEERING

SUBPART 5348.1 - POLICIES AND PROCEDURES

*5348.104-3 Sharing Collateral Savings.

(a) HQ PACAF/LGC is delegated the authority to determine that the cost of calculating and tracking collateral savings will exceed the benefits derived.

PART 49 - TERMINATION OF CONTRACTS

SUBPART 5349.1 - GENERAL PRINCIPLES

5349.101 Authorities and Responsibilities.

*(a) The authority to terminate contracts for default requires appointment by HQ PACAF/LGC. When requesting appointment, the contracting officer will provide all relevant documents to include a chronology of events, cure/show cause notices, and contractor responses. Contracting officers are authorized to terminate contracts for convenience. (Also see PAFFARS 5312.403 for termination of commercial acquisitions.)

PART 50 - EXTRAORDINARY CONTRACTUAL ACTIONS

SUBPART 5350.3 - CONTRACT ADJUSTMENTS

5350.201 Delegation of Authority.

5350.201(b)(2) The authority to disapprove requests for contractual adjustment under FAR subpart 50.3 has been delegated to HQ PACAF/LG when the amount requested would not obligate the Government in excess of \$5,000.

5350.305 Processing Cases.

5350.305-90 Investigations.

*(b)(1) Forwarding to approving authority. Submit all files through HQ PACAF/LGCR.

PART 52 - SOLICITATION PROVISIONS AND CONTRACT CLAUSES**SUBPART 5352.2 - TEXTS OF PROVISIONS AND CLAUSES**

5352.203-10 Price or Fee Adjustment for Illegal or Improper Activity. PACAF/CV is designated to make a determination that there was a violation of subsection 27(a) of the OFPP Act in order to permit the Government to reduce profit or fee pursuant to paragraph (a) of this clause.

5352.222-16 Approval of Wage Rates. HQ PACAF/LGC is designated to approve wage rates that exceed the Davis-Bacon Act minimum wage determination included in the contract.

5352.247-9000 (PACAF) Air Transportation Agreement. As prescribed in PAFARS 5347.490(a), insert the following clause in solicitations and contracts.

AIR TRANSPORTATION AGREEMENT (JAN 94)

*(a) Contractor personnel may be authorized use of Government air transportation during performance of this contract per DOD 451.13-R. The contractor agrees that the contractor's employees using such air transportation will, as required by DOD 451.13-R execute DD Form 1381, Air Transportation Agreement, releasing and discharging the United States, its agents, servants, or employees from any and all claims for property damage and/or personal injury or death resulting from or during use by the contractor's employees of such air transportation or from ground operations thereto, whether such claims are on behalf of the employee, his or her representatives, or their and assigns. The contractor further agrees that, in consideration of the contractor's employees being permitted use of such Government air transportation, the contractor release's shall obtain appropriate liability insurance covering losses by or to the contractor and his or her employees in the use of Government air transportation. The requirement to obtain such insurance may be waived by the contracting officer upon request by the contractor demonstrating that such insurance is not available, not cost-effective, or otherwise not advantageous to the Government. The contractor shall in any event save and hold harmless the Government from liability in excess or in addition to any such insurance as may be obtained.

(b) Simultaneously with the submission of a written request for travel orders the contractor shall submit a copy of an executed DD Form 1381 for each contractor employee.

(End of Clause)

***PART 53 - FORMS**

*5353.290 PACAF Forms.

PACAF Form	Form Title	Paragraph Reference
PACAF Form 20	Ratification Action Summary	5301.602-3(b)(3)
PACAF Form 54	Contract File Index	5304.803(a)(90)
PACAF Form 222	Application for Appointment as Contracting Officer	5301.603-3(c)
PACAF Form 226	Advance Acquisition Plan Milestones	5307.104-90(v)